

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES of AMERICA

v.

SEQUAN ANTHONY FOWLER,
a/k/a “Smoke,”

Defendant.

Case No. 1:23-mj-179

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Zachary D. Mikkelsen, being first duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint and arrest warrant charging Sequan Anthony Fowler, a/k/a “Smoke” (“**FOWLER**”) with possession of a firearm after being convicted of a crime punishable by more than one year, in violation of 18 U.S.C. § 922(g)(1).

2. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) since July 2015. I am assigned to the ATF Washington Field Division, Falls Church II Field Office. My assignments include investigating individuals who are involved in the illegal purchase, possession, and transfer of firearms, as well as violent crimes involving firearms. During these investigations, I have analyzed records; participated in the search and seizure of phone, email, and social media accounts; conducted mobile and static surveillance; conducted interviews; prepared and sworn criminal complaints; and participated in the execution of search and arrest warrants. I have successfully completed numerous training

programs hosted or sponsored by ATF, the Federal Law Enforcement Training Center, and other federal law enforcement agencies and organizations. I have received specialized training in the investigation of federal crimes involving firearms and narcotics.

3. Prior to becoming a Special Agent with ATF, I served for approximately six years as a sworn police officer with the County of Henrico in the Commonwealth of Virginia. During that time, I participated in numerous firearms investigations that resulted in the arrest and conviction of numerous subjects, the seizure of property and assets, and the seizure of firearms.

4. As a Special Agent with ATF, I am authorized, pursuant to 18 U.S.C. § 3051, to enforce any of the criminal, seizure, or forfeiture provisions of the laws of the United States.

5. The facts and information contained in this affidavit are based on my personal observations, my training and experience, and knowledge and information obtained from other law enforcement officers and witnesses. All observations referenced in this affidavit that were not personally made by me were relayed to me by the person(s) who made such observations or in reports that detailed the events described by that person(s). This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

6. On March 19, 2020, officers and detectives of the Prince William County Police Department ("PWCPD") responded to the Country Inn and Suites located at 2621 Prince William Parkway, Woodbridge, Virginia, within the Eastern District of Virginia, in response to a call for a shooting in progress.

7. Witnesses stated that two black men wearing all dark clothing and a black woman wearing blue were involved in a shooting near the hotel parking lot and the 7-Eleven located

across the street. The three individuals involved in the shooting then walked into the hotel. Responding officers later located and ultimately recovered approximately seven cartridge cases and a bullet fragment in the parking lot shared by the hotel, the 7-Eleven, and a Smokey Bones restaurant. Officers also observed that six or seven projectiles appeared to have struck the sign for the Smokey Bones restaurant, which was next to the entrance to the shared parking lot.

8. After speaking to the hotel desk clerk, who also reported hearing gunfire, officers were informed by the clerk of reports of loud noises and the smell of marijuana coming from Room 409. When they arrived at Room 409, officers overheard a loud conversation occurring across the hall in Room 410. Through the closed door, officers overheard two male occupants in Room 410 discussing how much ammunition they had left. One person said he had no bullets. The other person said that he had three bullets remaining. Then the officers heard the sound of a firearm's slide being racked. The person who had stated that he had no bullets asked the person with bullets to give him one, repeatedly referring to the man with bullets as "Smoke." (Your affiant notes that "Smoke" is a known alias for **FOWLER**.) The officers also heard several female occupants of the room talking about leaving.

9. Moments later, when a woman opened the door of Room 410, officers ordered everyone out of the room with their hands up. Officers then detained two black male subjects (**FOWLER** and another male referred to herein as "Subject-1"), as well as five black female occupants. Officers conducted a protective sweep of Room 410 and located one firearm – a Smith & Wesson model SD9VE 9mm pistol with serial number FWY3271 ("Smith & Wesson") – underneath the bed. A state search warrant was obtained and executed that same night, resulting in the recovery of another firearm – a Taurus model PT740 .40 S&W caliber pistol with serial number SGT34940 ("Taurus") – from an air conditioning vent in the hotel room. The

Smith & Wesson had been reported stolen in Leesburg, Virginia, and the Taurus had been reported stolen in Prince William County, Virginia.

10. When interviewed by police on the day of the shooting, Subject-1 denied any involvement in the shooting, and **FOWLER** declined to answer officers' questions.

11. One of the black female occupants of the room told officers that she had been walking near the hotel with her two male friends when a vehicle almost struck her and her male friends fired at the vehicle in retaliation; the woman and the two men then ran back to the hotel.

12. Another black female occupant of the room provided a similar account, saying that her female friend walked across the 7-Eleven with the two men that were in the room, that she heard gunshots, and that she looked outside and heard the people outside talking about being hit by a vehicle. This same black female occupant also denied seeing a firearm or anyone with a firearm in the room.

13. On March 21, 2020, two days after the shooting, a citizen flagged down PWCPD officers at a local gas station and reported that he was the victim of a shooting. The citizen stated that he had been delivering newspapers near the Country Inn and Suites at the time of the shooting on March 19, 2020, and almost ran into two black males and a black female who were walking in the middle of the road. The citizen reported that he thought they were banging on his vehicle with their hands as he passed, but he later discovered that his vehicle had been struck by several bullets, including one in the passenger side view mirror.

14. PWCPD officers who responded to the location of the vehicle determined that the victim's vehicle had been struck by bullets and recovered a bullet fragment from the passenger side mirror.

15. In 2017, **FOWLER** was convicted in Harford County, Maryland, for unlawfully wearing, carrying, and transporting a handgun on public roads, a “misdemeanor” punishable by up to three years of imprisonment under Maryland Criminal Code § 4-203. On September 11, 2017, **FOWLER** was sentenced to three years in prison suspended as to all but six months, to be followed by five years of supervised probation. On March 6, 2023, based on a probation violation, **FOWLER** was sentenced to one year and one day in prison.

16. Through the course of the investigation, **FOWLER** was arrested and charged in Prince William County, Virginia, with various state crimes arising from the shooting on March 19, 2020, including reckless handling of a firearm. In 2021, the charges against **FOWLER** were entered nolle prosequi.

17. The two firearms recovered from the hotel room, as well as cartridge cases from the scene, were given to ATF for examination. In April 2020, the evidence was submitted to the ATF Laboratory for ballistic and DNA analysis.

18. According to an ATF Laboratory report dated July 14, 2022, the Smith & Wesson was test fired, and all seven cartridge cases recovered from the scene were determined to have been fired from the Smith & Wesson.

19. According to an ATF Laboratory report dated May 3, 2023, various areas of the two firearms were swabbed for DNA testing. DNA profiles were developed and uploaded to the Combined DNA Index System (“CODIS”). CODIS is a database of DNA profiles from convicted offenders, unsolved crime scene evidence, and missing persons. Searches of CODIS resulted in a high stringency match between a swab taken from the grip of the Taurus and the Virginia Department of Forensic Science (“VA DFS”) Offender Specimen for Subject-1 and a moderate stringency match between a swab taken from the grip of the Smith & Wesson and the

VA DFS Offender Specimen for **FOWLER**. CODIS also returned a moderate stringency match between swabs of the trigger and trigger guard of the Smith & Wesson and the VA DFS Juvenile Specimen for a black woman who is a known associate of **FOWLER** and Subject-1 but who was not believed to have been present in Room 410 when officers arrived on scene. The letters notifying investigators of the CODIS matches noted that the information was provided only as an investigative lead and requested two buccal swabs from each of the above-named individuals for further comparison.

20. On July 28, 2023, pursuant to a federal search warrant, a known DNA sample in the form of two buccal swabs was taken from **FOWLER**. DNA testing to confirm the CODIS match between **FOWLER** and the Smith & Wesson has been requested but not yet completed.

CONCLUSION

21. Based on the foregoing, I respectfully submit that probable cause exists to believe that **FOWLER** possessed a firearm after being convicted of a crime punishable by more than one year, in violation of 18 U.S.C. § 922(g)(1). I respectfully request that the Court issue the proposed arrest warrant.

Respectfully submitted,




Digitally signed by ZACHARY
MIKKELSON
Date: 2023.09.18 11:58:18 -04'00'

Zachary D. Mikkelsen
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to in accordance with
Fed. R. Crim. P. 4.1 by telephone on
September 19, 2023.

John F.
Anderson



Digitally signed by John F.
Anderson
Date: 2023.09.19 11:16:27
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The Honorable John F. Anderson
United States Magistrate Judge